

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

67-C-87

D. C. Form No. 106A Rev.

TITLE OF CASE

John S. Phillips,
vs
United States of America,

ATTORNEYS

For plaintiff:

Robert J. Childers,
Mayo Building, Tulsa, Okla., 74103
LU 5-5800

For defendant:

Hubert A. Marlow

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 6-5-67

Clerk

5-29-67 Knight
6-1-67 CD 51

15 00

15 00

J.S. 6 mailed 1-2-67

Marshal

Basis of Action:

Personal injury - Motor
Vehicle - FTAct

Docket fee

Witness fees

Action arose at:

Depositions

1967 DATE	PROCEEDINGS	Date Order or Judgment Noted
5-29-67	Complaint, filed. Summons Issued. e	
5-29-67	Summons, returned and filed: served Lawrence A. McSoud, US Atty., at Tulsa and mailed 2 copies by certified mail to Atty. Gen., Dept. of Justice, Wash. D.C., May 29, 1967. (USM \$3.00)g	
7-21-67	Defendant's Answer, filed. ds	
8-15-67	Interrogatories propounded by the defendant, USA, pursuant to Rule 33 of the Federal Rules of Civil Procedure filed. h	
9-11-67	Answers to interrogatories, filed. g	
9-11-67	Court orders that case Nos. 6476, 6575 and 67-C-87 are consolidated for trial purposes. (Allen E. Barrow-Judge)h	
9-11-67	Ordered by the Court that this case is transferred to Honorable Allen E. Barrow, Judge. (Fred Daugherty - Judge) b	
9-18-67	Amendment to petition, filed. (Leave granted to file(Allen E. Barrow-J)) b	
10-2-67	Defendant's motion for order for examination, with brief attached, filed. ds	
10-4-67	Pre-trial order filed. h	
10-13-67	Order for examination of the plaintiff by Dr. J. L. Richardson, filed. (Allen E. Barrow - Judge) b copies mailed to counsel.	
10-31-67	Ordered by the Court that this case is set for non-jury trial on Tuesday, November 21st, 1967 at 10:00 A. M. (Allen E. Barrow - Judge) b	
11-3-67	Motion for continuance, filed. e	
11-7-67	Order filed, that case is stricken from the non-jury trial assignment of November 21, 1967, to be set later by this Court. (Allen E. Barrow-Judge) b	
12-4-67	Case set for non-jury trial on Wednesday, Dec. 13, 1967 at 10:00 A.M.(AEB-J)h	
12-12-67	Return on service of subpoena duces tecum, filed. Served Dr. G. E. Moots at Pryor, Oklahoma on 12-5-67. ds	
12-12-67	Return on service of subpoena duces tecum, filed. Served Everett Neal Henderson on 12-6-67. ds	
12-13-67	Case tried to court on Dec. 13&14, 1967. Case heretofore combined with 6476 and 6575 for trial purposes. Court finds for the plaintiff in this case, John S. Phillips in the amount of \$2,500.00 plus cost of action in all cases. Atty fees allowed in the amount of 25% in all cases. Plaintiffs attorney John Ward directed to prepare and file FF and CL within 10 days. (Allen E. Barrow-Judge)h	
12-14-67	Exhibits filed. h	
12-14-67	Judgment on decision by the court filed and entered. It is adjudged that the plaintiff, John S. Phillips, recover of the defendant, USA the sum of \$2500.00 with interest thereon at the rate of 6% as provided by law, and his costs of action. (NCH-h) copies mailed.h	
12-18-67	Bill of costs in the amount of \$30.70 filed. h	
12-19-67	Amended Judgment on decision of the court filed and entered. It is adjudged that plaintiff recover sum of \$2500.00, with interest thereon at the rate of 6% as provided by law, and his costs of action and that \$1074.50 is attributed to property loss. (NCH-h)h	
12-28-67	Findings of Fact and conclusions of law, filed. (AEB-J) ds	
12-29-67	Costs taxed against the United States in the sum of \$30.70. ds	
2-12-68	Notice of appeal, filed. Copy mailed to Robert J. Childers. g	
3-21-68	Motion for order enlarging time in which to docket appeal and file documents in lieu of the record filed by defendant USA.(brief embodied)h	
3-21-68	Notice to Appellee, filed. w	
3-26-68	Order enlarging time to docket appeal and file documents, to 5-12-68, filed. (AEB-J) w	
3-27-68	Objection to defendants motion for order to extend or enlarge time in which to docket appeal and file documents in lieu of the record, filed. brief attached. ds	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-3-68	Minute Order: Court orders that the judgment entered herein on 12-14-67 be amended that plaintiff John S. Phillips recover of the United States of America the sum of \$2500.00 and if an appeal is lodged, said judgment will bear interest at the rate of 4% and plaintiff is awarded cost of action and the Clerk shall enter said judgment this date. (AEB-J)h	
4-2-68	Amended Judgment filed and entered. It is ordered that the plaintiff John S. Phillips recover of the Defendant, USA the sum of \$2500.00 further that if and in the event an appeal is lodged, said judgment will bear interest at the rate of 4% as provided by law, and that plaintiff in addition thereto is awarded the costs of this action, and that \$1,074.50 is attributed to property loss.(NCH-e)h	provided
4-9-68	Stipulation for dismissal of appeal, with order of Court approving dismissal, filed. (AEB-J)g	
5-20-68	Release and satisfaction of judgment filed. USA released from liability by the payment of the sum of \$2,530.70 to plaintiff. ds	

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